

U.S. Serial No. 09/528,225

**EXHIBIT F**

**NOTICES PUBLISHED BY U.S. PATENT AND TRADEMARK OFFICE REGARDING  
THE EVENTS OF 11 SEPTEMBER 2001 AND INTERRUPTION OF MAIL SERVICE**



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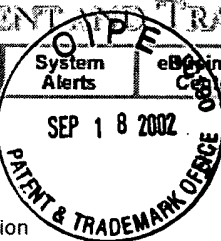
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Related Notices &lt; Termination of the Suspension

## Termination of the Suspension of the "Express Mail" Service of United States Postal Service for mail addressed to ZIP Codes 202xx through 205xx

On Friday, November 16, 2001, the United States Postal Service (USPS) temporarily suspended Express Mail service to Washington, D.C., ZIP Codes 202xx through 205xx (e.g., 20231). On Tuesday, November 20, 2001, the United States Patent and Trademark Office (USPTO) posted a notice on its Internet Web site (<http://www.uspto.gov/september11/uspsmaildisrup.htm>) establishing an Arlington, VA 22202 address for use on an emergency basis for patent-related correspondence being delivered to the USPTO by the USPS's Express Mail service.

On Thursday, November 29, 2001, the USPS indicated that this suspension of Express Mail service has been terminated. Since the USPS has terminated this suspension of Express Mail service, patent-related correspondence being delivered to the USPTO by the USPS (either by first class or Express Mail service) should now be addressed as set forth in 37 CFR 1.1(a)(1); that is, patent-related correspondence should now be addressed:

Assistant Commissioner for Patents  
Washington, DC 20231.

While the USPTO prefers that patent-related correspondence be addressed as set forth in 37 CFR 1.1(a)(1) (i.e., to the above Washington, DC 20231 address), the USPTO will continue to accept patent-related correspondence at the Arlington, VA 22202 address indicated in the notice published on November 20, 2001 on the USPTO's Internet Web site and treat such correspondence as if it were addressed as set forth in 37 CFR 1.1 for purposes of 37 CFR 1.8 and 1.10 until further notice.

Questions concerning this notice should be directed to Cynthia Nessler, Legal Advisor, Office of Patent Legal Administration at (703) 308-6906.

Date: December 5, 2001

Signed /s/

Nicholas. P. Godici  
Acting Under Secretary of  
Commerce for Intellectual  
Property and  
Acting Director of the United  
States Patent and Trademark  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Notification Related to United States Postal Service Interruption**[Related Notices](#) < USPS Interruption**Questions and Answers Concerning the  
Suspension of the "Express Mail" Service of United States Postal Service  
for mail addressed to ZIP Codes 202xx through 205xx**

On Friday, November 16, 2001, the United States Postal Service (USPS) temporarily suspended Express Mail service to Washington, D.C., ZIP Codes 202xx through 205xx (e.g., 20231). On Tuesday, November 20, 2001, the United States Patent and Trademark Office (USPTO) posted a notice on its Internet Web site (<http://www.uspto.gov/september11/uspsmaildisrup.htm>) establishing an Arlington, VA 22202 address for use on an emergency basis for patent-related correspondence being delivered to the USPTO by the USPS's Express Mail service. The USPTO received the following questions concerning the above-mentioned notice:

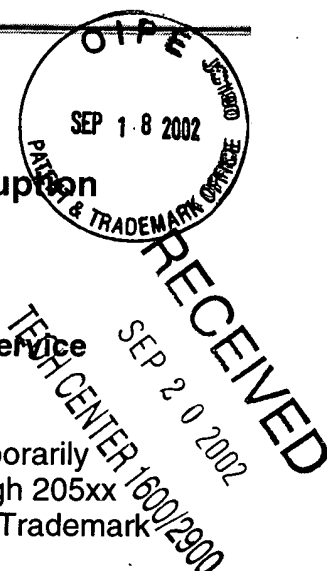
**Question (1): If I mail a new patent application to the USPTO by Express Mail (Post Office to Addressee) using the Arlington, VA 22202 address (U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202), will the application get to the USPTO?**

Answer: Yes. The patent application should get to the USPTO. The Arlington, VA 22202 address provided on the USPTO's Web site (U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202) is a USPTO P.O. box, and mail addressed to that P.O. box is just as likely to get to its destination (the USPTO's P.O. box) as mail addressed to the USPTO's Washington, DC address (the Washington, DC 20231 address) is to get to the USPTO.

**Question (2): If I mail a new patent application to the USPTO by Express Mail (Post Office to Addressee) using the Arlington, VA 22202 address (U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202), what will be the filing date of that application?**

Answer: The date indicated on the "date-in" portion of the Express Mail mailing label. 37 CFR 1.10(a) provides that correspondence received by the USPTO that was delivered by the USPS's Express Mail (Post Office to Addressee) service will be considered filed on the date of its deposit with the USPS (as shown by the "date-in" indicated in the Express Mail mailing label). 37 CFR 1.10(a) does not require that the correspondence be addressed in any particular manner (i.e., correspondence incorrectly addressed that is received by the USPTO and delivered by the USPS's Express Mail (Post Office to Addressee) service will still be considered filed on the date of its deposit with the USPS).

While 37 CFR 1.1 requires that patent-related correspondence be addressed to the USPTO's Washington, DC address, it does not provide for any sanction in the event that patent-related correspondence is not addressed to the USPTO's Washington, DC address. A party, however, may not (during usual circumstances) be able to take advantage of the provisions of 37 CFR 1.8 and 1.10(e) for patent-related correspondence not addressed to the USPTO's Washington, DC address.



**Question (3): Can the USPTO change its rules of practice by posting a notice on its Internet Web site ?**

Answer: No. The USPTO, however, can suspend requirements of the regulations during extraordinary situations subject to such requirements as may be imposed. 37 CFR 1.183. Thus, the USPTO did not "change" the correspondence address set out in 37 CFR 1.1 from the USPTO's Washington, DC address (the Washington, DC 20231 address) to an Arlington, VA 22202 address. The USPTO simply provided that the requirement in 37 CFR 1.1 (and 37 CFR 1.8 and 1.10) that patent-related correspondence be addressed to the USPTO's Washington, DC address was suspended subject to the requirement that such correspondence be addressed to the Arlington, VA 22202 address provided on the USPTO's Web site (U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202). If the USPTO were to require that patent-related correspondence be addressed to the Arlington, VA 22202 address provided on the USPTO's Web site rather than the Washington, DC 20231 address (as opposed to simply permitting patent-related correspondence to be addressed to the Arlington, VA 22202 address provided on the USPTO's Web site as an alternative to the Washington, DC 20231 address.), the USPTO would need to amend the provisions of 37 CFR 1.1 to make such a change in practice.

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## Notification Related to United States Postal Service Interruption



R lated Notic s &lt; USPS Interruption

**Suspension of the "Express Mail" Service of United States Postal Service for mail addressed to ZIP Codes 202xx through 205xx**

On Friday, November 16, 2001, the Chief Operating Officer and Executive Vice President of the United States Postal Service (USPS) issued a memorandum temporarily and immediately suspending Express Mail service to Washington, D.C., ZIP Codes 202xx through 205xx (e.g., 20231). The USPTO is designating this interruption in the Express Mail service of the USPS as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e).

The USPTO is establishing the following address which may be used (as an alternative to the address set out in 37 CFR 1.1) on an emergency basis for patent-related correspondence being delivered to the USPTO by the USPS's Express Mail service:

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

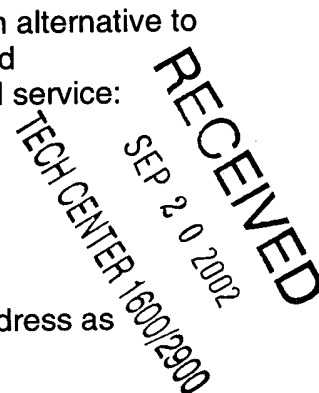
Special box designations (e.g., Box PCT) should be also included in the address as appropriate.

To the extent that the address provided in this notice is inconsistent with the address set forth in 37 CFR 1.1, the provisions of 37 CFR 1.1 (and 37 CFR 1.8 and 1.10) are hereby sua sponte waived such that correspondence addressed as set forth in this notice will be treated as if it were addressed as set forth in 37 CFR 1.1 for purposes of 37 CFR 1.8 and 1.10.

Parties may continue to use the Washington, D.C., 20231 addresses for the purposes set out in 37 CFR 1.1 if such correspondence is accepted by the USPS for delivery to the USPTO and is not returned to the sender. If such correspondence is not accepted by the USPS or is returned, it should be resubmitted to the USPTO using the procedure set forth below.

The USPTO published a notice in the Official Gazette on October 9, 2001, that provides guidance in the situation in which a post office refuses to accept the deposit of mail for delivery by Express Mail service. See United States Postal Service Interruption and Emergency, 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001). This notice was also posted on the USPTO's Internet Web site (<http://www.uspto.gov/september11/uspsnotice01.htm>). The guidance set forth in that notice also applies if a post office refuses to accept the deposit of correspondence for delivery by Express Mail due to the suspension of the USPS's Express Mail service to Washington, D.C., ZIP Code 20231, as well as the situation in which correspondence is returned as undeliverable due to this suspension.

The guidance set forth in the above-mentioned Official Gazette notice is reproduced below:



## UNITED STATES POSTAL SERVICE INTERRUPTIONS RELATING TO EXPRESS MAIL SERVICE

Where the USPS refuses to accept the deposit of mail for delivery by express mail.

In some cases, due to the recent mergency, certain post offices are refusing to accept the deposit of mail for delivery by Express Mail service. The USPTO is also designating this interruption in the Express Mail service of the USPS as a postal service interruption within the meaning of 35 U.S.C. 21 (a) and 37 CFR 1.6(e). In addition, if a party attempts to deposit correspondence for delivery to the USPTO with the USPS by Express Mail under 37 CFR 1.10 ("Express Mail Post Office to Addressee") and the USPS refuses to accept such correspondence, the party is advised to take the following action: mail the correspondence to the USPTO by registered or first class mail with a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail. The statement must indicate the date on which the person attempted to deposit the correspondence with the USPS and that the USPS refused to accept the correspondence. The statement must be signed in accordance with 37 CFR 10.18. The correspondence should be mailed as set out in 37 CFR 1.1(a) and include the special box designation: BOX FILING DATE.

Where mail is put into an Express Mail "Drop Box" and given an incorrect "date in".

In some cases a person may use an Express Mail "drop box" without realizing that the local post office is not accepting Express Mail. In that situation, the provisions of 37 CFR 1.10(d) may apply. Usually 37 CFR 1.10(d) is invoked where correspondence is placed in an Express Mail "drop box" prior to the last pick up that is scheduled for the drop box for that day, but the USPS enters an incorrect "date-in" on the Express Mail mailing label, usually the next day's date. To invoke 37 CFR 1.10(d), however, a petition must be corroborated either by evidence from the USPS or by evidence that came into being after deposit and within one business day of the deposit of the correspondence in the Express Mail drop box (e.g., a copy of a log book indicating that the correspondence was deposited on the date in question). See MPEP 513 and TMEP 702.02(e).

### Alternative Procedure Invoking "Extraordinary Circumstances"

If a party can demonstrate that due to extraordinary circumstances the above procedures could not be followed, it will be necessary to file a petition under 37 CFR 1.183 (patent matter) or 2.146(a)(5) and 2.148 (trademark matter) to waive the requirements of 37 CFR 1.10 to permit the USPTO to accord the correspondence a filing date as of the date that Express Mail deposit was attempted. Such a petition must be accompanied by a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail, stating the date that the deposit was attempted and that the USPS refused to accept the correspondence, and be signed by such person subject to the conditions prescribed in 37 CFR 10.18.

### Certificates of Mailing Under 37 CFR 1.8

Parties submitting correspondence to the USPTO are reminded that 37 CFR 1.8 (certificate of mailing or transmission practice) does not provide for according a filing date as of the date of deposit with the USPS to correspondence submitted under 37 CFR 1.8. Therefore, it would be inappropriate to file a petition under 37 CFR 1.183 or 2.146(a)(5) and 2.148 to waive the requirements of 37 CFR 1.8.

The address set forth in 37 CFR 1.1(a)(2)(i) for trademark filings and correspondence is not affected by this suspension of Express Mail service by the USPS (since it is not within Washington, D.C., ZIP Codes 202xx through 205xx). Therefore, trademark filings and correspondence should continue to be addressed to:

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Questions concerning this notice should be directed to **Cynthia Nessler**, Legal Advisor,

## Office of Patent Legal Administration at (703) 308-6906.

Date: November 20, 2001

Signed: /s/

Anne H. Chasser  
Acting Under Secretary of Commerce for  
Intellectual Property and Acting Director of  
the United States Patent and Trademark  
Office

**NOTE:** Effective June 24, 2002, 37 C.F.R. §1.10(a) has been amended. The Express Mail procedure provided in 37 C.F.R. §1.10 no longer applies to any of the following trademark documents:

- Trademark/Service Mark Application under §1 or §44 of the Trademark Act, 15 U.S.C. §1051 or §1126
- Statement of Use under §1(d) of the Trademark Act, 15 U.S.C. §1051(d)
- Amendment to Allege Use under §1(c) of the Trademark Act, 15 U.S.C. §1051(c)
- Request for Extension of Time to File a Statement of Use under §1(d) of the Trademark Act, 15 U.S.C. §1051(d)
- Affidavit or Declaration of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. §1058
- Renewal Request under Section 9 of the Trademark Act, 15 U.S.C. §1059
- Combined Filing under Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059
- Combined Affidavit or Declaration under Sections 8 and 15 of the Trademark Act, 15 U.S.C. §§1058 and 1065
- Request to Change or Correct Address

If the documents listed above are filed by Express Mail, they will receive a filing date as of the date of receipt in the Office and not the date of deposit with the United States Postal Service. See notice at **67 Fed. Reg. 36099 (May 23, 2002)**.

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## Mitigation of Delays in Mail Deliveries to the USPTO

**Related Notices** << *Mitigation of Delays in Mail Deliveries to the USPTO*

The United States Patent and Trademark Office (USPTO) **since October 21, 2001**, has been experiencing an **interruption in delivery** of United States Mail **sent to our 20231 zip code**. The USPTO has received very little correspondence sent to the 20231 zip code in the past few weeks. In view of these circumstances, if USPTO begins to receive this mail in large batches, it may create internal processing delays. These delays may remain in effect until the USPTO is able to eliminate any backlogs which have been created.

**For time sensitive correspondence** (e.g., after final amendments) that were mailed during the last few weeks, it may be desirable to contact the examiner or TC Customer Service Center to determine whether the paper has been received and whether alternative delivery options (e.g., facsimile) should be considered. Under such circumstances, the normal guidance against duplicate papers is not applicable.

The USPTO has been advised by the United States Postal Service (USPS) that **outgoing USPTO correspondence has not been delayed**. Nevertheless, the provisions of MPEP 710.06 apply in the event that a party experiences delay in receiving USPTO patent correspondence.

Except as provided in 37 CFR 1.8 and 1.10, mail sent through the USPS will be given the date it is received by the USPTO as its receipt date. Therefore, parties may, particularly in this regard, wish to consider availing themselves of those rules for filing documents and of permissible delivery methods other than mail delivery. If a party files correspondence in accordance with the provisions of 37 CFR 1.8 or 1.10, that correspondence will be considered timely under 37 CFR 1.8 (in situations in which 37 CFR 1.8 is applicable) or filed in the USPTO on the "date-in" indicated on the Express Mail mailing label (in situations in which 37 CFR 1.10 is applicable, such as the filing of new patent or trademark applications), regardless of any USPS delay in ultimately delivering the correspondence to the USPTO and any consequent delay by the USPTO in treating the correspondence (e.g., issuing a Filing Receipt for new applications).

The USPTO provides, as alternatives to the submission of correspondence by mail, for the following options: facsimile transmission, hand delivery, and electronic submission over the Internet. Applicants are reminded that *not* all types of correspondence may be submitted with each of these other permissible delivery methods.

This notice will provide an overview of 37 CFR 1.8 and 1.10, describe each of these permissible delivery methods including what types of correspondence may be delivered by each delivery method, and explain what may *not* be delivered by each delivery method and some of the associated problems with each method (if any).

**Express Mail**

As authorized by 35 U.S.C. § 21(a), 37 CFR 1.10 permits the USPTO to treat correspondence delivered by the "Express Mail Post Office to Addressee" service of the USPS as being filed in the USPTO on the date of deposit with the USPS as shown by the "date in" on the "Express Mail" mailing label. Use of this procedure can, therefore, obviate risks of delay in postal delivery. Those utilizing the procedure under 37 CFR 1.10 are encouraged to inspect the mailing label receipt to ensure that the "date in" portion of the mailing label is accurate and legible. This procedure is particularly useful for the filing of national and international patent and trademark applications and for the filing of any paper for an application subject to the Patent Term Adjustment (PTA) provisions of the American Inventors Protection Act of 1999 (plant or utility patent application filed on or after May 29, 2000).

>>See notice below regarding changes in procedures for filing trademark documents by Express Mail.



### First Class Mail

37 CFR 1.8 permits applicants to certify that papers were mailed to the USPTO by first class mail on a particular date. The certificate of mailing procedure does **not** apply to filing of U.S. national and international patent applications, certain correspondence in interference cases and the filing of some correspondence related to international patent applications. See 37 CFR 1.8(a)(2). The certificate of mailing procedure also does not apply to papers mailed in a foreign country. All documents related to trademark applications and registrations, except the trademark application, can be filed using the procedures in 37 C.F.R. 1.8. By utilizing the procedure set forth in 37 CFR 1.8, any correspondence required to be filed in the USPTO within a set time period, e.g., a reply to an Office action, would be considered as being timely filed if the document mailing complies with 37 CFR 1.8 and is mailed prior to expiration of the time period set by the USPTO. The date of actual receipt of the document is used for all other purposes. This procedure is particularly useful when replying to a notice or Office action related to a patent application. In patent applications subject to PTA, applicants are cautioned that the date of actual receipt and not the certificate of mailing date is used to determine both positive and negative adjustments. See 37 CFR 1.8(a) and 1.703(f). For a certificate of mailing form, see PTO/SB92 posted at <http://www.uspto.gov/web/forms/index.html>.

### Facsimile Transmission

37 CFR 1.6(d) specifies the types of correspondence which may be transmitted by facsimile. These include continued prosecution applications (CPAs) filed under 37 CFR 1.53(d), amendments, declarations, petitions, and authorizations to charge deposit account. Situations where transmission by facsimile are prohibited are identified in 37 CFR 1.6(d)(1) - (9). Papers filed by facsimile are considered received by the USPTO on the date a complete transmission is received by the USPTO, except where the complete transmission is received on a Saturday, Sunday or Federal holiday within the District of Columbia, in which case the correspondence is considered received on the next business day. For a list of facsimile numbers to submit replies to patent-related Office actions listed by (Patent) Technology Center, see <http://www.uspto.gov/september11/faxnotice.htm>. The filing of (non-CPA) patent applications is not, currently, permitted by facsimile. Since the receipt date of the correspondence is the date the complete transmission is received in the USPTO, applicants are cautioned to allow sufficient time to complete the transmission (measured as of U.S. Eastern Standard Time) in order to ensure that correspondence is considered timely filed. For Patent correspondence utilizing the facsimile numbers above, the USPTO will attempt to send an acknowledgment receipt confirming the receipt of the correspondence by date, time, and number of pages. This receipt is sent to the number associated with the sender's "sending machine fax number." Applicants are encouraged to include a certificate of transmission with the facsimile transmission. See 37 CFR 1.8(a)(1)(i)(B). For a certificate of transmission form, see PTO/SB97 posted at <http://www.uspto.gov/web/forms/index.html>.

### Hand-Delivery

The USPTO also provides for hand-delivery of correspondence (including by non-U.S. mail courier services) during the hours the USPTO is open for business. As a customer service, the USPTO has a long-standing practice of providing customer service windows for hand-carried papers. The window for receipt of patent correspondence, known as the "OIPE Customer Service Center Window," is located in Room 1B03 of Crystal Plaza Building 2, 2011 South Clark Place, Arlington, Virginia, 22202. The window for receipt of trademark correspondence, known as the "Trademark Finance Window," is located in Room 4B10 of the South Tower Building, Arlington, Virginia, 22202-3513. The OIPE Customer Service Center Window is open from 8:30 a.m. until midnight on any day that the USPTO is open for business. The Trademark Finance Window is open from 8:30 a.m. to 5:00 p.m. on any day the USPTO is open for business. Correspondence is date stamped as received by the USPTO on the date of hand-delivery to either the OIPE Customer Service Center Window or the Trademark Finance Window. As a change in practice, where review of sealed packages and hand return of a date stamped itemized list is requested, the USPTO will no longer open packages or envelopes at either the OIPE Customer Service Center Window or the Trademark Finance Window. Should an itemized post card receipt be desired to be returned at the window, only the correspondence may be given to USPTO staff and not an envelope or package. The USPTO will, however, continue to accept sealed envelopes and packages, but this

correspondence will not be opened at the window.

#### Internet

The Office strongly encourages both trademark and patent applicants to file new applications over the Internet. For questions on filing patent applications over the Internet, please contact the Patent Electronic Business Center's help desk at (703) 305-3028. *See also* <http://www.uspto.gov/ebs/index.html>. New national patent applications filed using the Patent Electronic Filing System are considered filed on the date that transmission is completed, assuming the document submitted is entitled to a filing date. Patent correspondence other than new applications may **not** at this time be filed using the Patent Electronic Filing System. Electronically filed applications may be accorded a filing date on Saturdays, Sundays and Federal holidays within the District of Columbia. For applying for trademark registration, *see* <http://www.uspto.gov/teas/index.html>. At that web address, applicants and registrants can file a trademark or service mark application, a statement of use or amendment to allege use, a request for extension of time to file a statement of use, as well as the most common post-registration documents. Any document submitted to the previous web address is considered filed on the date that transmission is completed, assuming the document is entitled to a filing date. For additional e-mail addresses at which trademark documents may be filed, including responses to Office actions, *see*: <http://www.uspto.gov/september11/tmemailnotice.htm>. Applicants are reminded that in any matter being handled in Law Offices 102, 112 and 107, applicant may request all correspondence from the Office be sent via e-mail.

The trademark mailroom continues to process trademark mail. The majority of **trademark** mail is sent to the 22205-3513 Zip Code and is processed through the Merrifield, Virginia, Post Office. As far as the USPTO knows, there have been no significant delays in the delivery of mail from that Post Office.

The USPTO is currently exploring further options to permit expansion of the options for transmission of incoming and outgoing electronic correspondence in view of the current mailing delays. A notice of any changes will be provided as soon as possible.

Inquiries regarding submission of patent correspondence should be directed to Mark Polutta, Hiram Bernstein, Robert Clarke or Eugenia Jones, Legal Advisors in the Office of Patent Legal Administration, all of whom may be reached by telephone at 703-308-6906 or by electronic mail message via the Internet addressed to [Mark.Polutta@uspto.gov](mailto:Mark.Polutta@uspto.gov), [Hiram.Bernstein@uspto.gov](mailto:Hiram.Bernstein@uspto.gov), [Robert.Clarke@uspto.gov](mailto:Robert.Clarke@uspto.gov), or [Eugenia.Jones@uspto.gov](mailto:Eugenia.Jones@uspto.gov). Inquiries regarding submission of trademark correspondence should be directed to Carol Smith or Karen Smith at (703) 308-8900 or by electronic mail message via the Internet addressed to [Carol.Smith@uspto.gov](mailto:Carol.Smith@uspto.gov) or [Karen.Smith2@uspto.gov](mailto:Karen.Smith2@uspto.gov).

Date: 11/08/2001

Signed: /s/

Nicholas P. Godici  
Acting Under Secretary of Commerce  
for Intellectual Property and Acting  
Director of the United States Patent and  
Trademark Office

**NOTE:** Effective June 24, 2002, 37 C.F.R. §1.10(a) has been amended. The Express Mail procedure provided in 37 C.F.R. §1.10 no longer applies to any of the following trademark documents:

- Trademark/Service Mark Application under §1 or §44 of the Trademark Act, 15 U.S.C. §1051 or §1126
- Statement of Use under §1(d) of the Trademark Act, 15 U.S.C. §1051(d)
- Amendment to Allege Use under §1(c) of the Trademark Act, 15 U.S.C. §1051(c)
- Request for Extension of Time to File a Statement of Use under §1(d) of the Trademark Act, 15 U.S.C. §1051(d)
- Affidavit or Declaration of Continued Use under Section 8 of the Trademark Act, 15 U.S.C.

## §1058

- Renewal Request under Section 9 of the Trademark Act, 15 U.S.C. §1059
- Combined Filing under Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059
- Combined Affidavit or Declaration under Sections 8 and 15 of the Trademark Act, 15 U.S.C. §§1058 and 1065
- Request to Change or Correct Address

If the documents listed above are filed by Express Mail, they will receive a filing date as of the date of receipt in the Office and not the date of deposit with the United States Postal Service. See notice at 67 Fed. Reg. 36099 (May 23, 2002) [PDF].

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## Patent Applications submitted to the United States Patent and Trademark Office between September 11, 2001 and December 1, 2001 via the United States Postal Service

**Office of Patent Legal Administration << Pre-OG Notices << Notice Concerning Patent Applications submitted to USPTO between 9/11/01 and 12/01/01 via USPS**



The fiscal year 2002 patent application filing rate is currently less than anticipated by the United States Patent and Trademark Office (USPTO). The USPTO suspects that this decrease may be due to postal service delays caused by increased security procedures related to the discovery of anthrax in a Washington DC mail facility.

Any patent applicant who submitted a patent application to the USPTO between September 11, 2001 and December 1, 2001 via the United States Postal Service (USPS), and who has not received either a patent application filing receipt or a stamped postcard return receipt from the USPTO (MPEP 503), is advised to promptly take the following course of action:

**Express Mail:** If the patent application was originally submitted using the "Express Mail" mailing procedures set forth in 37 CFR 1.10, applicant should first check with the USPS for confirmation of delivery to the USPTO. Status may be checked using the track/confirm feature on the USPS's Web site at <http://www.usps.com/shipping/epstrac.htm>. If the USPS does not confirm delivery of the patent application to the USPTO, applicant should promptly file a petition under 37 CFR 1.10(e) (as discussed below).

If the USPS confirms delivery of the patent application to the USPTO, the Office of Initial Patent Examination (OIPE) customer service center may be able to provide the application number and filing date of the application. The OIPE customer service center is frequently able to identify the patent application number from the Express Mail number or from payment information. Any request for the application number and filing date of an application should be submitted by facsimile to 703-308-7751. The facsimile should include the Express Mail mailing label or the Express Mail mailing label number and date mailed, a copy of original transmittal letter, the docket number, name of the first inventor, and contact information. In addition, the facsimile should include the following payment information: (1) if payment was by check, include a copy of the front and back of the check or the bank routing number, account number, check number, and payment amount; (2) if payment was by authorization to charge a deposit account, include the deposit account number and amount of payment; or (3) if payment was by authorization to charge a credit card, include the credit card number and amount of payment. The OIPE customer service center will conduct a search of its computer records for the application and reply within three business days with either the application number and filing date found in its computer records or a response that the application number was not found. Applicant may contact the OIPE customer service center by telephone at 703-308-1202.

If the patent application was originally submitted using the "Express Mail" mailing procedures set forth in 37 CFR 1.10 and the OIPE customer service center is unable to locate the application, applicant should promptly file a petition under 37 CFR 1.10(e) (no fee required) including:

- (1) a copy of the "Express Mail" mailing label showing the "date-in" (or copy of any other official notation by the USPS relied upon to show the date of deposit);
- (2) a copy of the originally deposited application papers showing the number of the "Express Mail" mailing label as placed on the originally deposited papers; and
- (3) a statement that the copy of the "Express Mail" mailing label and copy of the originally deposited application papers are true copies of the "Express Mail" mailing label and originally deposited application papers.

If the petition complies with the requirements of 37 CFR 1.10(e) and the application is otherwise

entitled to a filing date, the USPTO will accord the application a filing date as of the date the patent application was originally deposited with the USPS as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation.

**Other than Express Mail:** If the patent application was not originally submitted using the "Express Mail" mailing procedures set forth in 37 CFR 1.10, the OIPE customer service center may be still able to provide the application number and filing date of the application. Any request for the application number and filing date of an application should be submitted by facsimile at 703-308-7751. The facsimile should include a copy of original transmittal letter, the docket number, name of the first inventor, contact information and the following payment information: (1) if payment was by check, include a copy of the front and back of the check or the bank routing number, account payment information; (2) if payment was by authorization to charge a deposit account, include the deposit account number and amount of payment; or (3) if payment was by authorization to charge a credit card, include the credit card number and amount of payment. The OIPE customer service center will conduct a search of its computer records for the application and reply within three business days with either the application number and filing date found in its computer records or a response that the application number was not found. Applicant may contact the OIPE customer service center by telephone at 703-308-1202.

If the OIPE customer service center is unable to locate the application, applicant should promptly file a copy of the originally deposited application papers. The application will be accorded a filing date as of the date the copy is received in the USPTO or the copy is deposited with the USPS in accordance with the "Express Mail" mailing procedures set forth in 37 CFR 1.10. Any applicant dissatisfied with that filing date may also file a petition under 37 CFR 1.182 or 1.183 (as appropriate) with the \$130.00 petition fee accompanied by the evidence and argument(s) that the applicant wants the USPTO to consider in determining whether the application is entitled to an earlier filing date. This should not be taken as an indication that any such petition will necessarily be granted. See MPEP 513.

Applicants should mail the copy of the application and any petition to:

Mail Stop Filing Date  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Alternatively, applicant may hand-carry the copy of the application and any petition to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

Inquiries regarding this notice should be directed to Senior Legal Advisor Eugenia A. Jones at 703-306-5586.

Date: 03/11/02

Signed: /s/

Stephen G. Kunin  
Deputy Commissioner  
for Patent Examination Policy

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